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12 Attorneys for Plaintiff
YELP INC.
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15 IN THE UNITED STATES DISTRICT COURT
16 THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 YELP INC.,

19 Plaintiff,

20 v.

21 KEN PAXTON, ATTORNEY GENERAL
OF THE STATE OF TEXAS,
22 in his official capacity,

23 Defendant.
24

Case No. 3:23-cv-04977-TLT

**JOINT STIPULATION PROPOSING
EXPEDITED BRIEFING AND HEARING
ON MOTION FOR PRELIMINARY
INJUNCTION**

Date: N/A
Time: N/A
Dept.: Courtroom 9

Action Filed: September 27, 2023

1 Pursuant to Local Rules 6-2, 7-11, and 7-12, Plaintiff Yelp Inc. and Defendant Ken Paxton,
2 Attorney General of the State of Texas, stipulate and respectfully request that the Court approve
3 an expedited briefing and hearing schedule as set forth below.

4 1. On September 27, 2023, Yelp brought this action for declaratory and injunctive
5 relief to halt Defendant's alleged ongoing violations of the First Amendment. Yelp claims that
6 Defendant has taken actions that penalize, deter, prevent, or discourage its publication of truthful
7 speech about crisis pregnancy centers. ECF No. 1 ("Compl.").

8 2. On September 28, 2023, Defendant sued Yelp in the 335th District Court of Bastrop
9 County, Texas. Defendant's petition alleges that Yelp's publication of a consumer notice on the
10 business pages of every crisis pregnancy center across the nation is misleading because it states
11 that these centers "typically provide limited medical services and may not have licensed medical
12 professionals onsite," and is in violation of the Texas Deceptive Trade Practices Act. Defendant's
13 petition also alleges that crisis pregnancy centers commonly provide significant medical services
14 and have licensed medical professionals onsite. ECF No. 16-2 ("Sieff Decl.") Ex. 11. The petition
15 seeks injunctive relief and civil penalties. *Id.* ¶¶ 32-33.

16 3. On October 2, 2023, Yelp filed a Motion for Preliminary Injunction seeking to
17 enjoin Defendant from taking any further action, formal or informal, to penalize, deter, prevent, or
18 discourage Yelp's publication of truthful speech about crisis pregnancy centers. ECF No. 16
19 ("Motion").

20 4. Yelp claims that the First Amendment protects its publication of truthful
21 information about crisis pregnancy centers and that Defendant's ongoing pattern of action has
22 caused and is causing Yelp to suffer ongoing irreparable injuries from the loss of its First
23 Amendment rights.

24 5. Yelp claims that adhering to the default schedule established by Civil L.R. 7-2(a)
25 would expose Yelp to continued irreparable injury from continued uncertainty as to Defendant's
26 intentions and abilities to penalize Yelp for how it chooses to communicate with its users on issues
27 of public concern. Yelp accordingly claims that an expedited briefing schedule and hearing are
28 needed to provide Yelp with confirmation that the information about crisis pregnancy centers it

publishes and has published is truthful protected speech not punishable as false or misleading, and to prevent Defendant from taking further actions against Yelp to deter it from or punish it for publishing the information to users in the future.

6. The Parties have met and conferred about these issues. Defendant disagrees with Yelp's allegations, including its claimed basis for expedited review based on the Defendant's stipulation in paragraph 7, *infra*, but consents to proceed with an expedited briefing schedule and hearing with respect to the Motion as follows:

a. Defendant's Response to Plaintiff's Motion, if any, will be due **Friday, October 13, 2023**.

b. Plaintiff's Reply in support of its Motion will be due **Friday, October 20, 2023**.

c. A hearing on the Motion, if any, will be held **Tuesday, October 24, 2023, at 2 p.m.**, or as soon thereafter as the Court deems practicable.

7. Defendant also agrees that, pending a final decision from this Court on the Motion, or until December 15, 2023, whichever occurs first, his office shall not initiate any further action to penalize, deter, prevent, or discourage Yelp from publishing information about crisis pregnancy centers, including the statement that such centers "typically provide limited medical services and may not have licensed medical professionals onsite."

8. The Office of the Texas Attorney General represents Defendant in this action, plans to enter a Notice of Appearance on behalf of Defendant, has authority to enter into this Joint Stipulation on his behalf, and reserves any objections to personal jurisdiction, venue, and any other defenses to Plaintiff's complaint.

DATED: October 4, 2023

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Ambika Kumar

Ambika Kumar

Attorneys for Plaintiff
YELP INC.

1 DATED: October 4, 2023

Respectfully submitted,
TEXAS OFFICE OF THE ATTORNEY
GENERAL

3 By: /s/ Ryan Baasch

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CERTIFICATION OF SERVICE AND COMPLIANCE

I, Ambika Kumar, hereby certify that pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), I have obtained authorization from the above signatories to file the above-referenced document and that they have concurred in the filing's content. I further certify that I have served all parties with the foregoing by electronic mail and personal delivery via messenger.

Dated: October 4, 2023

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Ambika Kumar
Ambika Kumar

Attorneys for Plaintiff
YELP INC.